

Plaintiffs' Exhibit D

LILY ENGBRECHT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SIERRA BOUCHER, LILY ENGBRECHT,
NATASSIA TUHOVAK, HANNAH WHELAN, and
CASSIDY WOOD,

Plaintiffs,

- against - Case No.
1:22-cv-00381-CCR

TRUSTEES OF CANISIUS COLLEGE,

Defendant.

Examination before trial of **LILY**
ENGBRECHT, Plaintiff, taken pursuant to the
Federal Rules of Civil Procedure, in the law
offices of HODGSON RUSS LLP, The Guaranty Building,
140 Pearl Street, Suite 100, Buffalo, New York, on
August 22, 2024, commencing at 9:40 a.m., before
LYNNE E. DIMARCO, Notary Public.

10:07:48 1 Q. What's next?

10:07:48 2 A. Next I tried working as a program
10:07:53 3 manager for a company called LE3 Incorporated. It
10:07:59 4 was a before and after school program for child
10:08:03 5 care. And I only worked there till October.

10:08:12 6 Q. Of '22?

10:08:13 7 A. Of '22.

10:08:15 8 Q. So from August or so?

10:08:18 9 A. August to October. And I left because
10:08:22 10 the hours and distance away were not convenient for
10:08:27 11 me.

10:08:27 12 Q. Was this not in Buffalo this company?

10:08:29 13 A. It was like a half hour drive outside
10:08:32 14 of Buffalo.

10:08:32 15 Q. Okay. Where was it?

10:08:34 16 A. Orchard Park.

10:08:36 17 Q. Over near where the Bills play?

10:08:39 18 A. Yeah.

10:08:47 19 MR. D'ANTONIO: Off the record.

10:08:48 20 (Discussion off the record: 10:08 a.m.)

10:09:35 21 BY MR. D'ANTONIO:

10:09:36 22 Q. So after LE3?

10:09:38 23 A. I started working at Roswell Park.

10:09:41 1 Q. The cancer institute?

10:09:42 2 A. Yes.

10:09:43 3 Q. Okay. Doing what?

10:09:44 4 A. I was in the bone marrow laboratory as
10:09:49 5 a clinical lab assistant. I wanted to try using my
10:09:53 6 biology degree.

10:09:55 7 Q. When did you start there?

10:09:57 8 A. October.

10:09:57 9 Q. Of 2022?

10:09:59 10 A. Yes.

10:09:59 11 Q. And how long did you stay at Roswell?

10:10:03 12 A. I stayed there until August.

10:10:05 13 Q. Of '23?

10:10:06 14 A. Of '23.

10:10:08 15 Q. Okay. Was that a full-time job?

10:10:13 16 A. Yes.

10:10:14 17 Q. And as a clinical lab assistant, what
10:10:16 18 did you do?

10:10:16 19 A. I went on bone marrow procedures and
10:10:20 20 collected blood samples.

10:10:22 21 Q. So when they aspirated the bone?

10:10:25 22 A. Exactly. Then I would take the samples
10:10:29 23 back to the lab, accession them and make stains for

10:10:35 1 the hematopathologist to read the cells to
10:10:41 2 diagnose.

10:10:42 3 This was not high paying and didn't require
10:10:46 4 my bio degree actually. It was actually graded as
10:10:52 5 a high school GED level job, so I was hoping to
10:10:56 6 move into another position, but I didn't qualify
10:10:59 7 for any.

10:11:01 8 Q. So when you say you didn't qualify, in
10:11:04 9 other words, the job that you had it sounds like
10:11:07 10 was below your skill set in terms of your
10:11:09 11 educational accomplishments?

10:11:13 12 A. Yes.

10:11:13 13 Q. And you were looking for something
10:11:15 14 where an entry level -- or a position that would
10:11:20 15 require a bachelor's in biology?

10:11:23 16 A. Yeah.

10:11:24 17 Q. All right. And there was nothing
10:11:27 18 available there is that what you're saying?

10:11:29 19 A. I would have needed a master's or
10:11:32 20 special degree in like clinical lab technology, but
10:11:38 21 as I like looked throughout the campus and asked
10:11:43 22 people my bio degree meant nothing pretty much.

10:11:46 23 Q. Meant nothing because you needed a

10:11:51 1 master's to do most of what they do over there?

10:11:51 2 **MS. NANAU:** Objection to form, you may
10:11:52 3 answer.

10:11:52 4 **BY MR. D'ANTONIO:**

10:11:53 5 **Q.** Yeah, if you know.

10:11:54 6 **A.** I don't totally know. I was hoping
10:11:57 7 that my bio degree would qualify for something in
10:12:03 8 the biology field that could pay me more.

10:12:05 9 And I felt like I had a lot more to give
10:12:08 10 than just running around and doing grunt lab work,
10:12:14 11 but, yeah, I don't know.

10:12:16 12 **Q.** Okay. Did you at that time or any
10:12:21 13 other time think about going to grad school?

10:12:24 14 **A.** I thought about going to grad school
10:12:28 15 when I was at Canisius. And before I went to
10:12:31 16 Canisius, that was my main goal.

10:12:34 17 I have thought about it, but haven't really
10:12:39 18 fully considered going to grad school. I have a
10:12:42 19 stack of GRE books underneath my bed that I've
10:12:47 20 opened once or twice and I just don't even know
10:12:52 21 what to pursue anymore, I feel very lost.

10:12:56 22 **Q.** The grad school that you were thinking
10:12:59 23 about, Ms. Engebrecht, what was -- what would that

13:27:31 1 **THE WITNESS:** He said something, I don't
13:27:33 2 remember if it was praise or critiques or what,
13:27:36 3 or --

13:27:36 4 **BY MR. D'ANTONIO:**

13:27:36 5 **Q.** It could've been both?

13:27:37 6 **A.** I remember the conversations about
13:27:39 7 asking dating questions, those are the only things
13:27:44 8 in my memory.

13:27:46 9 **Q.** All right. Did Dr. Noonan ever ask you
13:27:49 10 out on a date?

13:27:52 11 **A.** Not in a very direct way. He said that
13:27:57 12 we would climb mountains together and I would carry
13:28:00 13 him up the mountain because his legs would be dead
13:28:04 14 by then.

13:28:05 15 **Q.** So that would have been at least as I'm
13:28:08 16 understanding it at some point well into the
13:28:10 17 future?

13:28:10 18 **A.** After I graduated.

13:28:12 19 **Q.** Did he ask you, for example, to go to
13:28:16 20 dinner? And I don't mean dinner with a group of
13:28:21 21 students. Did he ask you out one-on-one, you know,
13:28:25 22 candlelight, tablecloths, that kind of stuff?

13:28:28 23 **MS. NANAU:** Objection to form, you may

13:35:18 1 **A.** Yes.

13:35:24 2 **MR. D'ANTONIO:** I know you provided a
13:35:26 3 statement ultimately to Canisius about the
13:35:33 4 behaviors that you had concerns about. In fact,
13:35:38 5 maybe we should -- let's mark this I think it's B.

13:35:38 6 **The following was marked for Identification:**

7 **EXH. B** **Bates stamped Canisius 01631**
8 **through 01634**

13:36:30 9 **BY MR. D'ANTONIO:**

13:36:31 10 **Q.** Ms. Engebrecht, that's a
13:36:36 11 four-page document, flip through it and take your
13:36:40 12 time, and then when you're ready, let me know.

13:36:42 13 **MS. NANAU:** Feel free to review the entire
13:36:45 14 document. This is off the record.

13:37:34 15 (Discussion off the record: 1:37 p.m.)

13:40:05 16 **BY MR. D'ANTONIO:**

13:40:06 17 **Q.** You all set?

13:40:07 18 **A.** Uh-huh.

13:40:08 19 **Q.** So, Ms. Engebrecht, I've handed you a
13:40:11 20 four-page document, which is Bates numbered
13:40:14 21 Canisius 01631 to 01634 inclusive. Your numbers
13:40:24 22 may have been cut off at the bottom, you can
13:40:27 23 probably see about half of them, but those are the

13:40:31 1 numbers and they begin with the -- the first two
13:40:33 2 pages constitute an e-mail chain between you and
13:40:37 3 Linda Walleshauser. Is that correct?

13:40:40 4 **A.** Yes.

13:40:40 5 **Q.** Okay. And then the last two constitute
13:40:45 6 what you've labeled as your Title IX account. Is
13:40:49 7 that right?

13:40:49 8 **A.** Yes.

13:40:49 9 **Q.** Okay. So first of all, do you remember
13:40:57 10 the date that you first spoke with Ms. Walleshauser
13:41:02 11 about issues related to Dr. Noonan?

13:41:08 12 **A.** No, not off the top of my head.

13:41:13 13 **Q.** You'll see there's a -- on the very
13:41:17 14 first page, Canisius 01631, there's an exchange
13:41:23 15 that happened between you and Ms. Walleshauser on
13:41:27 16 February 11th in the morning. Do you see that?

13:41:29 17 **A.** Yes.

13:41:29 18 **Q.** Okay. And that's a Monday?

13:41:34 19 **A.** Yes.

13:41:35 20 **Q.** Do you remember that your meeting with
13:41:38 21 Ms. Walleshauser happened on a Monday?

13:41:42 22 **A.** I don't remember. This also was my
13:41:46 23 individual meeting with her. We came forward as a

13:41:50 1 group together beforehand.

13:41:51 2 **Q.** Actually, if you look at the middle of
13:41:54 3 the first page, I think maybe your individual
13:41:57 4 meeting would have happened that Wednesday. I'm
13:42:00 5 going to read this.

13:42:01 6 On Monday, February 11 at 9:12
13:42:04 7 Ms. Walleshauser wrote, Lily, let's plan to meet on
13:42:09 8 Wednesday morning 9:00 a.m. in my office, please
13:42:13 9 plan to e-mail your documentation as well as your
13:42:15 10 individual issues. Thank you.

13:42:16 11 And that's in response if you go to the
13:42:18 12 second page of the exhibit to an e-mail from you at
13:42:25 13 9:07 a.m. on February 11, hi, Linda, I am one of
13:42:29 14 the girls that was in the meeting this morning.

13:42:31 15 Unfortunately, my schedule Tuesday is
13:42:35 16 completely full from 7:00 a.m. to 9:00 p.m., so
13:42:37 17 would you be available Wednesday before my class at
13:42:41 18 9:30 or between 1:00 and 3:30 p.m.

13:42:45 19 First of the all, did I read those entries
13:42:48 20 correctly?

13:42:48 21 **A.** Yes.

13:42:48 22 **Q.** Does that refresh your recollection as
13:42:50 23 to when the group meeting occurred and when your

13:42:53 1 individual meeting occurred?

13:42:53 2 **A.** Yes.

13:42:54 3 **Q.** And your individual meeting occurred on
13:42:56 4 Wednesday, February 13th?

13:42:58 5 **A.** Yes.

13:42:58 6 **Q.** And the group meeting with the women
13:43:01 7 who came forward with you February 11th?

13:43:05 8 **A.** I suppose, I don't know.

13:43:07 9 **Q.** Seems right?

13:43:08 10 **A.** Yes.

13:43:09 11 **MS. NANAU:** Objection to form.

13:43:11 12 **THE WITNESS:** Based on the documents.

13:43:12 13 **BY MR. D'ANTONIO:**

13:43:13 14 **Q.** Okay. So the meeting -- the initial
13:43:19 15 meeting where there were -- how many women came
13:43:23 16 forward with you, if you remember?

13:43:26 17 **A.** I think 10.

13:43:29 18 **Q.** Is that roughly the number, around 10?

13:43:32 19 **A.** Yes, roughly.

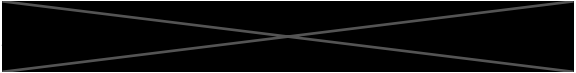
13:43:34 20 **Q.** Okay. If I told you eight, would that
13:43:37 21 seem right to you?

13:43:38 22 **MS. NANAU:** Objection to form, you may
13:43:40 23 answer.

13:43:44 1 **THE WITNESS:** I could count if you want the
13:43:46 2 number?

13:43:47 3 **BY MR. D'ANTONIO:**

13:43:47 4 **Q.** Sure.

13:43:49 5 **A.** It was me, 
13:43:54 6 Hannah Whelan, Cassidy Wood, Natassia Tuhovak,
13:44:05 7 Sierra. And I don't know if Leanne ended up
13:44:23 8 following through or is just doing her own. Yeah,
13:44:32 9 so maybe eight.

13:44:33 10 **Q.** Okay. Tell me what you remember about
13:44:37 11 that meeting, who spoke, what did they say? And,
13:44:43 12 again, to the extent that you don't have a
13:44:45 13 recollection, that's fine, you'll just tell me
13:44:48 14 that.

13:44:48 15 **A.** Well, first, before the meeting we as a
13:44:56 16 group of girls like that were on the India trip and
13:45:00 17 then including the research girls, Leanne and
13:45:06 18 Natassia, had a lot of meetings before we even
13:45:10 19 decided to go to Title IX to discuss whether or not
13:45:13 20 we wanted to do it.

13:45:15 21 We wanted to make sure it was a unanimous
13:45:19 22 vote and that everyone wanted to do it. We had at
13:45:23 23 least two or three group discussions about whether



13:45:25 1 or not we were going to go to Title IX to make sure
13:45:29 2 everyone was comfortable with it.

13:45:31 3 Q. I don't mean to interrupt you, but did
13:45:34 4 those discussions occur while you were on the trip
13:45:37 5 or after you got back?

13:45:38 6 A. There was one discussion while we were
13:45:41 7 in India where we were discussing how uncomfortable
13:45:47 8 we all were. And that was when we were like trying
13:45:52 9 to work with Dr. Noonan, telling him that we were
13:45:56 10 uncomfortable, that he needed to change his
13:46:02 11 behavior.

13:46:03 12 And he had a few different mood swings where
13:46:08 13 he was like his old self and like was goofing
13:46:14 14 around with us and it felt more lighthearted, but
13:46:18 15 then he would like blow up at us and specifically
13:46:21 16 like at Abbie a lot.

13:46:23 17 Q. Blow up meaning yell at her?

13:46:25 18 A. Yeah, yeah, and he would embarrass her
13:46:33 19 in front of like different interviewees and 
13:46:39 20 Oh,  also came forward with us. Let's see.

13:46:44 21 Q. This is 

13:46:45 22 A. Yes.

13:46:46 23 Q. Okay. So Dr. Noonan is exhibiting

13:56:36 1 more than talk to him or please do nothing at all.
13:56:40 2 It will make our situation of being around him much
13:56:43 3 more dangerous slash toxic. Correct, I read that
13:56:47 4 correctly?

13:56:48 5 **A.** Correct.

13:56:48 6 **Q.** And that was a concern of yours?

13:56:50 7 **A.** Very much so.

13:56:51 8 **Q.** And that actually relates to the second
13:56:54 9 concern listed, right, will you have to see him and
13:56:57 10 talk to him after something is said?

13:56:59 11 **A.** Yes.

13:56:59 12 **Q.** Okay. And then the last is can we have
13:57:03 13 a non-contact clause until a decision is made?

13:57:08 14 **A.** Yes.

13:57:23 15 **Q.** Did you see Dr. Noonan at any point on
13:57:30 16 February 11, the day you came to talk to
13:57:34 17 Ms. Walleshauser?

13:57:35 18 **A.** I don't remember.

13:57:36 19 **Q.** Did you see him at any point after you
13:57:40 20 submitted the statement to Ms. Walleshauser on
13:57:42 21 February 13th?

13:57:44 22 **A.** I saw his office open and thought he
13:57:49 23 was on campus.

14:01:02 1 **Q.** Okay. Did you ever speak with Sierra
14:01:12 2 Boucher about her having access to the film
14:01:14 3 footage?

14:01:15 4 **A.** Yeah, she made a mini film from some of
14:01:19 5 the footage, I don't know, like that was after I
14:01:22 6 had graduated, so I lost like touch with any of
14:01:25 7 that.

14:01:28 8 **Q.** You think the film footage was made
14:01:32 9 available at some point after May of 2020?

14:01:36 10 **A.** I don't know.

14:01:36 11 **Q.** Okay. Could it have been before you
14:01:39 12 graduated?

14:01:39 13 **MS. NANAU:** Objection to form, you may
14:01:42 14 answer.

14:01:42 15 **THE WITNESS:** I don't know.

14:01:43 16 **BY MR. D'ANTONIO:**

14:01:43 17 **Q.** Was it to the best of your recollection
14:01:45 18 sometime over the summer of 2019 that she was given
14:01:49 19 access to the film footage?

14:01:51 20 **A.** I don't think so.

14:01:53 21 **Q.** Okay. And do you think you were
14:01:57 22 notified that the footage was available at some
14:02:00 23 point over the summer of 2019?

14:02:02 1 **MS. NANAU:** Objection to form, you may
14:02:04 2 answer.

14:02:04 3 **THE WITNESS:** I remember them asking us if
14:02:07 4 we were okay with being in the footage that was
14:02:10 5 available to Dr. Noonan, but I don't remember
14:02:12 6 having access to the footage.

14:02:39 7 **BY MR. D'ANTONIO:**

14:02:39 8 **Q.** Ms. Engebrecht, when did you see the
14:02:43 9 door to Dr. Noonan's office open?

14:02:50 10 **A.** Sometime after we had reported in
14:02:53 11 February before we had heard anything more about
14:02:58 12 the case, so maybe March, it was spring.

14:03:02 13 **MR. D'ANTONIO:** Okay. You say before you
14:03:04 14 heard anything more about the case. So let's make
14:03:20 15 that C.

16 **The following were marked for Identification:**

17 **EXH. C** **Bates stamped Canisius 01667**

18 **EXH. D** **Bates stamped Canisius 01798**

19 **EXH. E** **Bates stamped Canisius 01823**

20 **EXH. F** **Bates stamped Canisius 02038**

14:04:55 21 **BY MR. D'ANTONIO:**

14:05:05 22 **Q.** Ms. Engebrecht, I'm handing you what's
14:05:07 23 been marked as Exhibit C for identification. Take

14:37:31 1 did I read that correctly?

14:37:34 2 **A.** Yes.

14:37:34 3 **Q.** And the second paragraph, with respect
14:37:35 4 to Project Tiger, you will be afforded access to
14:37:39 5 the film or video work that was created for use in
14:37:39 6 creating your own finished work.

14:37:43 7 Should you wish to access this material,
14:37:45 8 please let me know, and I can see that appropriate
14:37:48 9 arrangements are made. Did I read that correctly?

14:37:51 10 **A.** Yes.

14:37:51 11 **Q.** Okay. Did you ever contact
14:37:57 12 Ms. Walleshauser on or after June 11, 2019 to seek
14:38:04 13 access to the video footage that she references?

14:38:08 14 **A.** No, because I wasn't a film student.

14:38:12 15 **Q.** Okay. So you anticipated my next
14:38:16 16 question, which is why not. So your position is
14:38:20 17 that because you weren't a film student you were
14:38:23 18 not interested in contacting her about the video
14:38:26 19 footage, right?

14:38:29 20 **A.** The Project Tiger film was intended to
14:38:33 21 be a group project with a lot of us having
14:38:37 22 graduated at this point, not me, but others in our
14:38:42 23 group.

14:38:43 1 It just at this point the project felt just
14:38:48 2 like it didn't have any -- like it was just too
14:38:54 3 late. They didn't give it to us soon enough for us
14:38:58 4 to do anything with it.

14:39:01 5 Q. Okay. So in terms of my direct
14:39:02 6 question, your answer is, no, you didn't contact
14:39:02 7 Ms. Walleshauser at any point on or after June 11,
14:39:05 8 2019?

14:39:05 9 MS. NANAU: Objection, asked and answered,
14:39:07 10 you may answer.

14:39:08 11 THE WITNESS: I did not ask about the
14:39:10 12 footage after June 11.

14:39:12 13 BY MR. D'ANTONIO:

14:39:12 14 Q. Did you ever speak with Sierra Boucher
14:39:15 15 about her having requested and gotten access to the
14:39:20 16 video footage for Project Tiger?

14:39:22 17 A. She sent us her little mini documentary
14:39:26 18 that she made, but I didn't ask about it.

14:39:29 19 Q. Okay. Did she send it to you via
14:39:32 20 e-mail or what?

14:39:34 21 A. I can't remember.

14:39:35 22 Q. Okay. Did you retain that
14:39:41 23 communication?

14:39:44 1 **A.** I don't know where the communication
14:39:47 2 was and I didn't find it anywhere.

14:39:51 3 **Q.** Did you ever respond to Ms. Boucher?

14:39:56 4 **A.** I can't remember.

14:39:58 5 **Q.** Okay. Do you think you responded to
14:40:00 6 her?

14:40:00 7 **MS. NANAU:** Objection to form, you may
14:40:03 8 answer.

14:40:03 9 **THE WITNESS:** I don't know.

14:40:08 10 **BY MR. D'ANTONIO:**

14:40:08 11 **Q.** Okay. I'm handing you what's been
14:40:31 12 marked as Exhibit I for identification. Take your
14:40:33 13 time, Ms. Engebrecht, and read through that. I'm
14:40:36 14 only going to focus on the first page, but you
14:40:42 15 should obviously take your time.

14:42:03 16 **A.** Okay.

14:42:03 17 **Q.** Okay. Exhibit I for identification is
14:42:10 18 a series of e-mails, are they not, dated July 1
14:42:15 19 and 2, 2019?

14:42:18 20 **A.** Yes.

14:42:18 21 **Q.** Okay. And for the record, the document
14:42:22 22 is Canisius 02365 to 02370 inclusive. The e-mail
14:42:36 23 on the first page of Exhibit I for identification

14:42:39 1 Canisius 02365, is an e-mail from Dr. Margulis to
14:42:47 2 Sierra Boucher, correct?

14:42:48 3 **A.** Yes.

14:42:49 4 **Q.** And it reflects her potential access to
14:42:57 5 the Project Tiger footage as well as editing
14:43:02 6 stations. Is that right?

14:43:05 7 **A.** Yes.

14:43:05 8 **Q.** Okay. And it also indicates that if
14:43:11 9 Sierra wanted to edit the footage with a Mac using
14:43:16 10 Final Cut Pro, that's available in the DMA lab in
14:43:22 11 Lion's Hall 413?

14:43:23 12 **A.** Yes.

14:43:23 13 **Q.** Okay. Did you ever talk with Sierra
14:43:26 14 Boucher about potentially working with her on this
14:43:31 15 project?

14:43:31 16 **A.** Not that I remember.

14:43:32 17 **Q.** Okay. Do you know if anyone else
14:43:35 18 talked with Sierra Boucher about working with her
14:43:37 19 on this project?

14:43:38 20 **A.** Not that I know of.

14:43:39 21 **Q.** Okay. All right. You mentioned there
14:43:42 22 were some folks on the Project Tiger trip who
14:43:47 23 graduated?

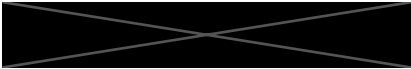
14:43:48 1 **A.** Yes.

14:43:48 2 **Q.** Okay. Who would those have been?

14:43:52 3 **A.**  I
14:43:59 4 think that's it.

14:44:00 5 **Q.** So two people?

14:44:01 6 **A.** I think so.

14:44:03 7 **Q.** Okay. And did either 
14:44:11 8 ever tell you that they were not interested in
14:44:14 9 working on video -- on the video or a video project
14:44:18 10 for Project Tiger?

14:44:23 11 **A.** Not directly.

14:44:26 12 **Q.** Okay. So they never said anything to
14:44:29 13 you one way or the other?

14:44:30 14 **A.** Not that I remember.

14:44:31 15 **Q.** Okay. Now, you did not as far as I'm
14:44:41 16 understanding you work on a video project for
14:44:47 17 Project Tiger after you got back from India?

14:44:52 18 **A.** Right.

14:44:52 19 **Q.** Okay. And do you have an understanding
14:44:58 20 as to why that didn't occur?

14:45:00 21 **A.** Because we couldn't get the footage.

14:45:03 22 **Q.** Were you also told that no one in the
14:45:09 23 ABEC department given Dr. Noonan's absence from it

14:45:16 1 had the technical skill set to be able to produce
14:45:20 2 or create a video?

14:45:24 3 **A.** We had film students that were going to
14:45:27 4 be doing that, [REDACTED] and Sierra. They just needed
14:45:31 5 the footage, they didn't need technical skills from
14:45:36 6 another professor.

14:45:38 7 **MR. D'ANTONIO:** Let me try my question
14:45:39 8 again.

14:45:40 9 (The above-requested question was then
14:45:55 10 read by the reporter.)

14:45:55 11 **BY MR. D'ANTONIO:**

14:45:56 12 **Q.** So my question is, was that told you to
14:46:00 13 you by Dr. Margulis or Dr. Russell?

14:46:03 14 **MS. NANAU:** Objection to the form of the
14:46:05 15 question, asked and answered, you may answer.

14:46:12 16 **THE WITNESS:** I don't understand what you're
14:46:13 17 asking.

14:46:13 18 **BY MR. D'ANTONIO:**

14:46:14 19 **Q.** Did there come a time after Dr. Noonan
14:46:16 20 was placed on involuntary leave in February of 2019
14:46:21 21 that you met with Dr. Margulis and Dr. Russell?

14:46:26 22 **A.** Yes.

14:46:26 23 **Q.** Okay. And did the meeting include a

14:46:31 1 discussion of options for producing some sort of
14:46:44 2 finished product based on the information and the
14:46:49 3 documentation and the footage that you had gathered
14:46:52 4 when you went to India?

14:46:53 5 **MS. NANAU:** Objection to form, you may
14:46:55 6 answer.

14:46:55 7 **THE WITNESS:** We discussed options of what
14:47:00 8 we could do.

14:47:01 9 **BY MR. D'ANTONIO:**

14:47:01 10 **Q.** Okay. And did they tell you that they
14:47:03 11 couldn't do a film?

14:47:06 12 **A.** Yes, because we didn't have the
14:47:08 13 footage.

14:47:09 14 **Q.** They never told you that they couldn't
14:47:11 15 do the film because they didn't feel they had the
14:47:14 16 technical skill to oversee the work, they never
14:47:18 17 told you that?

14:47:19 18 **A.** I don't remember anyone saying that.

14:47:20 19 **Q.** Did they suggest to the students a
14:47:24 20 podcast?

14:47:24 21 **A.** Yes.

14:47:25 22 **Q.** Did the students ultimately perform a
14:47:27 23 podcast?

14:56:21 1 **BY MR. D'ANTONIO:**

14:56:22 2 **Q.** Okay. And did you have a problem with
14:56:24 3 Dr. Margulis or did you just find you were doing
14:56:26 4 more work with Professor Suchak, what was the
14:56:29 5 reason for switching?

14:56:29 6 **A.** When I went to my advisement meeting
14:56:33 7 with Dr. Margulis, she advised me incorrectly with
14:56:36 8 what classes I needed to take. And then I just
14:56:37 9 felt like she didn't care about helping me with my
14:56:40 10 class load.

14:56:41 11 **Q.** When was that?

14:56:42 12 **A.** I think my freshman year.

14:56:45 13 **Q.** And is that when you switched to
14:56:47 14 Dr. Suchak?

14:56:48 15 **A.** Yes.

14:56:48 16 **Q.** Did you get any pushback on that or is
14:56:52 17 that something that just happened?

14:56:53 18 **MS. NANAU:** Objection to form, you may
14:56:54 19 answer.

14:56:54 20 **THE WITNESS:** I think because I was her
14:56:57 21 research student it made sense.

14:56:58 22 **BY MR. D'ANTONIO:**

14:56:59 23 **Q.** Okay. So you didn't get pushback?

14:57:01 1 **A.** No.

14:57:02 2 **MS. NANAU:** Objection to form.

14:57:03 3 **BY MR. D'ANTONIO:**

14:57:03 4 **Q.** So when Dr. Noonan was placed on
14:57:06 5 involuntary leave, my understanding is that your
14:57:10 6 academic advisor didn't formally change. Is that
14:57:15 7 right, it remained Dr. Suchak?

14:57:16 8 **A.** Formally, yes, it was Dr. Suchak.
14:57:19 9 Although Dr. Noonan I used as an advisor.

14:57:24 10 **Q.** I was going to get to the next
14:57:25 11 question. My understanding is that even though
14:57:28 12 Dr. Suchak remained your advisor, you lost a
14:57:32 13 resource, my words, tell me if I'm wrong, in
14:57:37 14 Dr. Noonan and his counseling of you?

14:57:38 15 **A.** Yes, I had -- I was under the
14:57:40 16 impression that he was going to get me into a grad
14:57:44 17 school program that would have helped me.

14:57:52 18 **Q.** I take it given the list of questions
14:57:57 19 that you had in your statement to Linda
14:58:01 20 Walleshauser on February 13th that as of that point
14:58:06 21 you were no longer interested in having a
14:58:09 22 relationship with Dr. Noonan, correct?

14:58:11 23 **A.** Correct.

15:02:31 1 Q. Are you talking about in India?

15:02:33 2 A. Yes, and during her research.

15:02:36 3 Q. Okay. So did anybody ever follow up
15:02:41 4 with Emily and ask whatever happened with regard to
15:02:46 5 her research or her letters of recommendation?

15:02:48 6 MS. NANAU: Objection to form, you may
15:02:50 7 answer.

15:02:50 8 THE WITNESS: I was personally not close
15:02:52 9 with Emily, we never really became close friends.
15:02:58 10 She's a very quiet person. I think her and Cici
15:03:02 11 were roommates and she was very close with Leanne
15:03:05 12 Walker.

15:03:06 13 BY MR. D'ANTONIO:

15:03:06 14 Q. Did Cici ever tell you what happened
15:03:08 15 with Emily Bacon?

15:03:11 16 A. I don't recall.

15:03:11 17 Q. Okay. How about letters of
15:03:19 18 recommendation, did you ever go to anybody in the
15:03:24 19 ABEC or the biology faculty and ask for letters of
15:03:27 20 recommendation?

15:03:27 21 A. No, because I gave up on grad school.

15:03:30 22 Q. Did you ever get a letter or a
15:03:34 23 reference from anybody in ABEC or in biology for

15:43:53 1 Q. Do you remember posting about that on
15:43:55 2 your social media, on your Facebook page?

15:43:58 3 A. No.

15:44:25 4 Q. Do you remember posting anything about
15:44:28 5 Canisius on your Facebook page?

15:44:31 6 A. I reposted about the NCAA incident on
15:44:36 7 the track team, with the sexual assault cases that
15:44:41 8 were happening on the track team.

15:44:44 9 Q. Do you remember posting anything else?

15:44:48 10 A. Maybe about my trips, the different
15:44:51 11 trips I went on.

15:44:58 12 Q. In terms of your personal viewpoint, do
15:45:06 13 you feel that your Canisius degree is of value?

15:45:14 14 MS. NANAU: I'm going to object to the form
15:45:17 15 of the question, you can answer.

15:45:18 16 THE WITNESS: No, I don't think it's of any
15:45:21 17 value.

15:45:28 18 MR. D'ANTONIO: Okay. Is that N? O, sorry.

15:45:28 19 The following was marked for Identification:

20 EXH. O Facebook Post

15:45:56 21 BY MR. D'ANTONIO:

15:45:56 22 Q. Okay. Here you are, your very own.

15:46:06 23 I'm handing you what's been marked as Exhibit O for

15:46:13 1 identification. Can you take a look at that?

15:46:15 2 **MS. NANAU:** Is there a Bates stamp?

15:46:18 3 **MR. D'ANTONIO:** There is not.

15:46:19 4 **MS. NANAU:** So this was not previously
15:46:21 5 produced, right?

15:46:22 6 **MR. D'ANTONIO:** It was not. I don't think
15:46:24 7 we were asked for anything from her social media.

15:46:28 8 **MS. NANAU:** Well, I would disagree with
15:46:31 9 that, but in any event, I'm just wondering where
15:46:36 10 this is from.

15:46:37 11 **BY MR. D'ANTONIO:**

15:46:38 12 **Q.** Let me ask a couple of questions.

15:46:41 13 Is your identification name on Facebook Lily
15:46:48 14 Alice?

15:46:49 15 **A.** Yes.

15:46:49 16 **Q.** Okay. So is the July 18, 2020 post on
15:46:56 17 the left-hand side of Exhibit O for identification
15:46:59 18 something you posted?

15:47:00 19 **A.** Yes.

15:47:01 20 **Q.** Okay. And did you write it?

15:47:04 21 **A.** Yes, I remember Mary Fiorella was
15:47:08 22 removed from campus and I was really upset about
15:47:12 23 it, so I was trying to help.

15:47:14 1 **Q.** As a recent alum of Canisius College
15:47:17 2 who benefitted from all of the wonderful mentors
15:47:21 3 and faculty during my years there, I am
15:47:24 4 disappointed in Canisius's administration decisions
15:47:28 5 during this time.

15:47:29 6 Please sign this petition to protect our
15:47:33 7 professors for fostering our education and the
15:47:37 8 heart of what the college experience is. Did I
15:47:39 9 read that correctly?

15:47:40 10 **A.** Yes.

15:47:40 11 **Q.** And you wrote that?

15:47:42 12 **A.** Yes.

15:47:42 13 **Q.** Nobody forced you to write that?

15:47:45 14 **MS. NANAU:** Objection to form, you may
15:47:46 15 answer.

15:47:46 16 **THE WITNESS:** Nobody forced me and it's
15:47:48 17 true. I loved a lot of my professors, not all of
15:47:51 18 them. I loved a lot of my mentors, not all of
15:47:51 19 them.

15:47:54 20 And I am mostly disappointed in Canisius's
15:47:59 21 administration with the Title IX case and the
15:48:01 22 sexual assault cases that happened.

15:48:05 23 **MR. D'ANTONIO:** Since I didn't ask a

15:48:07 1 question after that, I think I'll move to strike
15:48:10 2 that answer.

15:48:41 3 I'm going to have to get a couple
15:48:49 4 photocopies of this, it came in recently.

15:48:54 5 Off the record.

15:48:55 6 (Discussion off the record: 3:48 p.m.)

15:48:55 7 **The following was marked for Identification:**

8 **EXH. P Progress Note - Karie Gower**

15:50:34 9 (A recess was then taken at 3:50 p.m.)

16:04:18 10 **BY MR. D'ANTONIO:**

16:04:22 11 **Q.** Ms. Engebrecht, I've handed you
16:04:25 12 Exhibit P for identification. And the record is
16:04:30 13 number P0001709. You didn't write this, correct?

16:04:39 14 **A.** Correct.

16:04:39 15 **Q.** Okay. It reflects a progress note for
16:04:45 16 an individual appointment that you had on July 23rd
16:04:51 17 of 2024. So did you have an individual appointment
16:04:55 18 with a counselor on July 23rd of 2024?

16:04:58 19 **A.** Yes.

16:04:59 20 **Q.** And the name of the counselor is Karie
16:05:04 21 Gower. Is that right?

16:05:04 22 **A.** Yes.

16:05:05 23 **Q.** Is it Dr. Gower or Ms. Gower, if you